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Paper No. 15

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In re Application of
James Iseli, et al.
Application No. 09/361,020
Filed: July 23, 1999
For: **SEISMIC TELEMETRY SYSTEM**

APR 28 2004
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. § 1.181(a) filed December 29, 2003. No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the Restriction Requirement mailed May 28, 2003. A Notice of Abandonment was mailed on December 15, 2003.

Petitioner asserts that a proper response was timely filed on September 24, 2003. In support of the petition, Petitioner has submitted a copy of Applicant's response and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on September 24, 2003. The petition also includes a copy of a transmittal, a request for three months extension of time and a copy of a check for \$1,074.00.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, “[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO.” Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The fee of \$1,074.00 for three months extension of time and additional claims has not been credited to the instant application. However, the transmittal authorizes the charging of applicant's deposit account any underpayment.

Accordingly, the application file will be forwarded to the Technology Center's technical support staff for charging \$1,074.00 to applicant's deposit account No. 13-0010 and for entering the copy of the response accompanying the petition. From there, the file will be forwarded to the examiner for appropriate action in due course.

Allen MacDonald

Allen R. MacDonald, Director
Technology Center 2600
Communications